



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

September 5, 2007

Ref: 8EPR-N

Ms. Janet Valle
Acting Logan District Ranger
1500 East Highway 89
Logan, Utah 84321

RE: Millville Peak/Logan Peak Road
Reconstruction Project Draft Environmental
Impact Statement (DEIS) CEQ# 20070298

Dear Ms. Valle:

Under Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, EPA has the responsibility to review and comment on the environmental impact of major federal actions to which the National Environmental Policy Act (NEPA) applies. Consistent with these responsibilities, EPA has reviewed the United States Forest Service's (USFS) Draft EIS on the proposed relocation of 5.4 miles of the Millville Peak and Logan Peak Roads into or adjacent to roadless areas via a waiver for road reconstruction under the 2001 Roadless Rule.

The USFS's project purpose is "public safety through resource improvement to provide a safe, reliable, ground access route for maintenance of the vital, State-owned communication facility on Logan Peak" (Summary, Page 1). To achieve this, the proposed road relocation would avoid areas of the existing roads where steep road grades and erosion are causing a high voltage power cable buried beneath the roads to become increasingly exposed. This cable provides power to the communications facility. The old roadways would be physically closed with barrier rock and logs in an attempt to prevent further recreational or other uses, and would be re-vegetated using native seed.

As a result of our review, we have the following concerns:

Public Safety as the Project Purpose

We share the USFS's concerns "that the potential for death and serious injury is substantial around those locations where the cable has become exposed" and that "the potential for long power outages at this critical public safety communications facility also places law enforcement, fire and emergency medical services, homeland security, and public transportation operations at risk." (Page 1-3). The proposed closure of the sections of roads and implementation of associated mitigation measures (e.g., re-vegetation) where the power cable is

at or near ground surface will likely result in some degree of risk reduction. However, there are no additional mitigation measures in the DEIS directly addressing whether, how, or to what degree this power cable could be completely rehabilitated/covered to eliminate these risks. This is consistent with our May 11, 2006 scoping comments submitted to the USFS recommending that “a full engineering analysis of the possibility of covering the cable where it is exposed...” We also understand that while the road itself has been badly damaged from users over time, the issue of utmost concern is the power cable and the associated electricity it provides to emergency service personnel.

Given these circumstances, we believe information on the engineering feasibility and associated cost of rehabilitating/covering this power cable should be included in the final EIS to address the safety hazards noted above. Moreover, by determining the feasibility and costs associated with additional mitigation measures, a more definitive comparison can be made with the construction of, and mitigation measures associated with, the proposed 5.4 miles of new road. We believe such a comparison is important to consider before a final decision is made on whether to proceed with new road construction. Additional mitigation measures could include securing the power cable at the surface with some type of rock, cement, or other material to eliminate these safety hazards, consistent with our scoping comments. Because the public safety risks associated with encountering this power cable appear to be imminent, we recommend that the USFS do what it can now to prevent use of this road to all but state workers needing access to the communications facility. Gating, signage, and other effective means should be considered in warning recreational users, etc. of the serious safety hazards posed by this power cable.

2001 Roadless Rule Exceptions

While recognizing the USFS’s jurisdiction in deciding whether and how to apply the provisions of the 2001 Roadless Rule, we are concerned about the proposed application of the “exceptions” provision to prohibitions to road construction. Specifically, the DEIS cites the Rule’s provision where such exceptions are allowed in certain situations, including “where needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road that cannot be mitigated by road maintenance...only if the road is deemed essential for public or private access, natural resource management, or public health and safety” (Section 294.12(4)). It is our understanding that “irreparable resource damage” must be clearly documented to allow application of the exception in this provision of this Rule. The DEIS does identify the severe (up to a 20 percent) grade of the existing roads, the use of these roads by recreational vehicles, and other factors as contributing to the considerable road damage (e.g., erosion) over time. However, we could not find documentation identifying the resultant impacts to natural resources including water quality, wildlife, and native vegetation. Therefore, we believe more documentation of actual impacts to watershed health should be included in the final EIS to adequately support the conclusion that “irreparable resource damage” has occurred.

Environmental Impacts in Roadless Areas

We are concerned that the impacts from construction of the new road and resultant loss of acreage in or adjacent to these roadless areas could well be significant. As stated in the USFS’s

Forest Plan and acknowledged in our scoping letter, these roadless areas have management prescriptions with “particular values or unique qualities of special interest” (WCNF Page 4-67, Section 2.7) and “uplands identified as important watersheds” (WCNF Page 4-69, Section 3.1W). Impacts include the loss of a number of roadless values (Page 3-22), scenic values (Pages 3-29 and 3-30), and soil productivity (Page 3-37). While the mitigation measures presented in Section 2.5 would attempt to return the existing roads to some degree of roadless character, we continue to question the USFS’s conclusion that “the proposed action would have no overall effect on roadless areas, and roadless values would be maintained” (Page 3-22). We understand that the USFS intends to implement some measures for stabilizing existing roads that will be closed to prevent further erosion, etc. and reduce the roads’ footprint. However, given the steep slopes, sparse vegetation, a short growing season, and plants’ exposure to wind, snow, and ice, we believe that some type of long-term monitoring or adaptive management plan is needed so that re-vegetation efforts stand the best chance of success. If reclamation is not successful, impacts to watersheds and roadless character will be increased by this project.

The DEIS states that “there are approximately eight specific locations where the newly constructed Forest Roads 20042 and 20168 will intersect portions of existing system roads that are to be abandoned. The decommissioning work to be done at these locations should include effective barrier placement to preclude future use of the abandoned road segments” (Page 2-8). We are concerned that these intersections, and the proximity of the new and old road alignments (i.e., less than one-half mile), will make it difficult to prevent future, unauthorized use of these abandoned road segments. Such continued use would multiply the significant impacts this new road construction would have on roadless areas.

Based on our concerns, EPA has rated the USFS’s DEIS preferred alternative EC-2 (Environmental concerns, Insufficient information). The “EC” indicates that EPA’s review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts. The “2” indicates that the DEIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment. A copy of EPA’s rating criteria is enclosed.

Thank you for the opportunity to comment. We would welcome the opportunity to work with you to address our concerns. If you have any questions, please contact Douglas Minter, the most knowledgeable staff person on this project, at (303) 312-6079, or me at (303) 312-6004.

Sincerely,

Original signed by Deborah Lebow for

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

